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Application No: 10/758,272

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**REMARKS**

The final Office Action dated 4 November 2005 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 1, 11, 25, 31, 33, 41 and 42 have been cancelled without prejudice or disclaimer, claims 12, 32 and 43 have been rewritten in independent form, claims 2, 5-7, 9, 10, 26, 30, 34, 35 and 37-40 have been amended to depend from one of independent claims 12, 32 and 43, claim 16 has been amended, and claims 3, 4, 8, 13-15, 17-24, 36 and 44-46 remain as originally filed. Thus, claims 2-10, 12-24, 26-30, 32, 34-40 and 43-46 are respectfully submitted for consideration by the Examiner.

Claims 1-16 and 25-46 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent Application No. 10/758,273 to Veinotte et al. ("Veinotte").

Applicants traverse these rejections as claims 2-10, 12-16, 26-30, 32, 34-40 and 43-46 of this application are respectfully submitted to be patentably distinct from the claims of Veinotte. The claims of the instant application recite a fuel vapor management apparatus and a method of for diagnosing a purge valve whereas the claims of Veinotte are directed to an apparatus and method including a housing or a sensor that is "located upstream of an intake manifold, canister and purge valve and downstream of a vent port."

Notwithstanding these patentably distinct differences between Applicants' claims and those of Veinotte, a Terminal Disclaimer is being submitted concurrently herewith so as to advance prosecution of the present application. Thus, it is respectfully submitted that the obviousness-type double patenting rejections are overcome, and that these rejections should be withdrawn.

Claims 1-8, 10, 16 18-27, 30, 33 and 41 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,276,193 to Benjey. And claims 9, 11, 17, 28, 29, 31, 34-40 and 42 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Benjey. These rejections are respectfully traversed in view of the above amendments and the following comments.

It is noted that claims 12-15, 32 and 43-46 have not been rejected in view of Benjey.

Claims 12, 32 and 43 have been rewritten in independent form and are respectfully submitted to be allowable. Moreover, claims 2-10, 13-15, 26-30, 34-40 and 44-46 depend from

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one of allowable independent claims 12, 32 and 43, and are respectfully submitted to be allowable for at least the same reasons, as well as for the additionally recited features that further distinguish over Benjey.

Independent claim 16 has been amended to similarly incorporate the allowable subject matter of independent claims 12, 32 or 43, and is therefore also respectfully submitted to also be allowable for at least the same reasons. Moreover, claims 17-24 depend from allowable independent claim 16, and are respectfully submitted to be allowable for at least the same reasons, as well as for the additionally recited features that further distinguish over Benjey.

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### CONCLUSION

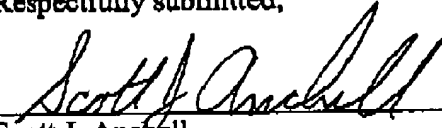
In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration of this Application and the prompt allowance of claims 2-10, 12-24, 26-30, 32, 34-40 and 43-46.

Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution of the application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 08-1641. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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